

Commander's Battle Drill

(Initial Actions) Victim

1. Ensure the physical safety of the victim. *Determine if the alleged assailant is still nearby and if the victim needs protection.
2. Advise the victim of the need to preserve evidence (for example, no bathing, showering, gargling, brushing hair, teeth or washing clothing). Preserving evidence is necessary for victims who will obtain a Sexual Assault Forensic Exam (SAFE). A SAFE is highly recommended for sexual assaults that occurred within **72** hours.
3. Encourage (careful not to force) the victim to report the incident and get a medical examination immediately, regardless of how long ago the sexual assault took place.
4. Make appropriate administrative and logistical coordination for the movement of the victim to receive care. (Involve other personnel only on a need-to-know basis).
5. Determine if the victim would like a support person (relative, friend, victim, chaplain or other professional).
6. Determine the best course of action to separate victim from the alleged perpetrator during investigation of the sexual assault case. Commanders should consider the victim's preferences and all relevant facts and circumstances of the case to determine the appropriate course of action to avoid re-victimization.
7. Notify the Sexual Assault Response Coordinator (SARC), who will inform the victim regarding the availability of victim advocacy services and appoint a unit victim advocate if desired by the victim.
8. Notify the chaplain if the victim requests pastoral counseling or assistance.
9. Notify the military police, criminal investigation division, and commanders in the chain of command as soon as possible.
- Limit the details regarding the incident to only personnel who have a legitimate need to know.

- Safeguard the victim from any formal or informal investigative interviews or inquiries, except by personnel who have a need to know (law enforcement and trial counsel).
 - Collect only necessary information to include the victim's identity, location, and time of the incident, and name and description of the offender.
10. Ensure that the victim is made aware of and encouraged to exercise his or her options during each phase of the medical, investigative, and legal processes.
 11. Ensure the CID informs the victim and witness of their rights by providing the victim with a completed DD Form 2701 (Victim and Witness of Crime) according to AR 27-10.
 12. Inform victim of resources in the community (provide victim with brochure and community resource chart).
 13. Provide victim emotional support.

Subsequent Actions

14. During the duration of the investigation, consult with the victim and accommodate the victim's reasonable desires to the extent it does not compromise the investigation.
15. Listen attentively to and engage in quiet support of the victim as needed. Be available in the weeks and months following the sexual assault, and ensure the victim that he or she can rely on your support as the commander.
16. Meet with your legal representative, the servicing staff judge advocate (SJA) office, or both to consider legal options, responsibilities (for example, pretrial restraint, military protective order (MPO) (DD Form 2873), and the appropriate disposition of the alleged offense). If the alleged offender is a foreign national or from a coalition force, consult with the SJA regarding your Host country's perspective on responsibilities, options, and victims rights.
17. Determine the best courses of action for separating the victim from the alleged offender during the investigation.
18. Determine whether the victim wants to be transferred to another unit.
19. *Determine if the suspect needs or desires to be transferred to another unit.
20. Consider whether the MPO (also known as "no contact order") is appropriate.

21. Coordinate with sexual assault treatment and counseling resources and the chain of command to determine if the victim's condition warrants redeployment or reassignment until a final legal disposition of the sexual assault case has been made and the victim is no longer in danger. To the extent possible, preferential consideration related to the reassignment should be based on the victim's desires.
22. *Flag (suspend favorable personnel actions) any soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2, and suspend the soldier's security clearance in accordance with AR 380-67.
23. Avoid automatically suspending or revoking the victim's security or personnel reliability program clearance when possible, since the victim can be treated for his or her trauma. Consider the negative impact that suspension of a victim's security clearance has on both the victim's emotional condition and the service climate for reporting.
24. Determine how to best dispose of the victim's collateral misconduct. Unless overriding considerations exist, commanders should consider exercising their authority to defer disciplinary actions for the victim's misconduct until after the final disposition of the sexual assault case.
25. *Update the battalion or higher-level commander on the status of the victim and the alleged offender within 14 calendar days, and each month thereafter, until the case is officially closed. If the victim or alleged offender is transferred or redeployed before the case is closed, coordinate with investigative and SJA personnel before stopping monthly updates on the individuals involved.
26. Update the victim each month on the sexual assault investigation until its final disposition. Follow up with the victim within 45 days after disposition of the case.
27. Consult with the servicing legal office or criminal investigative organization and notify the assigned victim advocate before taking any administrative action impacting the victim.
28. Ensure that unit personnel are informed regularly of the risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

*** Denotes actions that also directly involve the alleged perpetrator.**

Additional Guidance

For the Alleged Perpetrator

- Contact with a service member suspected of an offense under the Uniform Code of Military Justice (UCMJ) involves rules and procedures that may be unique within the military. Therefore, before questioning the suspected service member or discussing the case with the service member, commanders and other command representatives should first contact the servicing legal office for guidance. Follow the guidance provided to:

Avoid discussing or questioning the sexual assault allegation with the accused service member, to the extent practicable, since doing so may jeopardize the criminal investigation. However, if questioning does occur, prior to questioning the accused service member, advise the service member suspected of committing a UCMJ offense of his/her rights under Article 31 of the UCMJ, and also advise him/her the right to defense counsel representation, before discussing the sexual assault allegations.

Notify the appropriate military criminal investigative organization as soon as possible after receiving a report of a sexual assault incident.

Safeguard the alleged perpetrator's rights and preserve the integrity of a full and complete investigation. Limit any formal or informal investigative interviews or inquiries by personnel other than those assigned to the military criminal investigative organization conducting the investigation.

Strictly limit information, facts, and details about the investigation to those who have a legitimate need to know.

Ensure procedures are in place to inform the accused service member about the investigative and legal processes that may be involved.

Ensure procedures are in place to inform the accused service member about available counseling support. As appropriate under the circumstances, refer the accused service member to available counseling groups and other services.

Emphasize that the alleged perpetrator is presumed innocent until proven guilty.

- With the benefit of legal and investigative advice, determine the need for a "no contact order," or the issuance of a Military Protective Order, DD Form 2873, if the victim and the accused are assigned to the same unit, command, or location.

- Monitor the well-being of the accused service member, particularly any indications of suicide potential, and ensure appropriate intervention occurs if indicated.

UNIT PREVENTION

- Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of all its members.
- Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishments.
- Reiterate your “zero tolerance” policy on sexual assault and the potential consequences for those who violate the law.
- Keep a “finger on the pulse” of the organization’s climate and respond with appropriate action toward any negative trends that may emerge. Consult the SARC for guidance if warranted.

THE UNIT IN THE EVENT OF A SEXUAL ASSAULT

- Encourage members to be appropriately supportive of one another within the organization, to include both the victim and alleged perpetrator in the incident.
- Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with the investigation.
- Ensure proper authorities are available to explain to potential witnesses the probable consequences of discussing any details related to the on-going investigation.
- Discourage members from participating in “barracks or office gossip” or grapevine speculation about the case or investigation. Remind everyone to avoid reaching conclusions regarding the case until all facts are known and final disposition of the allegations has occurred.
- Consider some form of unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest, affect the unit, and require their response during the course of the investigation.

Note: The terms *accused*, *accused service member*, *alleged perpetrator* and the *alleged offender* are all synonymous if found in this document.